

REMARKS

By the foregoing amendment to the claims, further prosecution of the present application is limited to claims 2 and 3 rejected over the Funatsu and Garcera et al. patents of record as set forth on pages 3 and 4 of the current Office action.

In regard to the rejection under 35 U.S.C. 112, second paragraph, as set forth on pages 2-3 of the current Office action, the stated basis for such rejection is not applicable to claims 2 and 3 because the recitations in claim 2 embody those phrases as quoted and interpreted in the Office action which establish the allegedly omitted structural cooperative relationships. Accordingly, withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. 112 is in order and expected. As to the other rejections of claims 2 and 3 under 35 U.S.C. 102 and 103, the Examiner is urged to carefully consider the following remarks.

Claims 2 and 3 stand rejected as anticipated by the disclosure in the Funatsu et al. patent under 35 U.S.C. 102(a) and by the disclosure in the Garcera et al. patent under 35 U.S.C. 102(b). In regard to the rejection of claims 2 and 3 over the Funatsu et al. patent, the Office action incorrectly conjectures that such prior art reference discloses a: "drain for discharge of clean fluid (6 fig. 1)". Presumably, the Examiner is referring to the recitation in amended claim 2 of: "drain means--for discharging--cleansed portion of the contaminate-laden fluid from the sealed chamber in response to filtration". However, according to column 5, lines 59-67 in the Funatsu et al. patent, part (6) is a housing inlet for cells 10 as shown in FIG. 1, rather than a discharge drain. Thus column 5, lines 59-67 in the Funatsu et al. patent states: "cells 10--fed from--cell inlet 6 formed in the housing 1--in the space 5". Therefore, the latter referred to portions of the disclosure in the Funatsu et al. patent clearly contradicts the Examiner's contention that the part 6


as disclosed in the Funatsu et al. patent is a discharge drain outlet for cleansed fluid, in order to support the rejection under 35 U.S.C. 102. Such rejection is therefore in error on one account.

Claim 2 is furthermore limited by another recitation to: "--sealed chamber through which the filtered fluid is laterally withdrawn--". No lateral withdrawal of filtered fluid is referred to or disclosed in the Funatsu et al. patent, as called for by recitation in claim 2 under consideration. Therefore, the rejection over the Funatsu et al. patent is in error on another account.

According to the rejection of claims 2 and 3 as anticipated or obvious over the Garcera et al. patent of record, the disclosure in the Garcera et al. patent is also incorrectly conjectured as featuring: "elongated process elements (1-fig. 1), sealed chamber (inside 1-fig. 1, seal 25), fluid--conducted through the elements (arrow 3-fig. 1)--drain means (4-fig. 1) for removing cleansed fluid--". However as previously pointed out of record by applicants, and never contested by the Examiner, the elongated process elements 1 as disclosed in the Garcera et al. patent do not filter fluid that is laterally withdrawn and discharged by drainage from the housing, as called for by recitation in claim 2. Accordingly, the rejections over the Garcera et al. patent under 35 U.S.C. 102(b), 103(a) as set forth in the Office action are also clearly in error.

In view of the foregoing referred to evidentiary facts involving recitations in claims 2 and 3 and the referred to portions of the disclosures in the Funatsu et al. and Garcera et al. patents, the rejections as stated in the current Office action are clearly in error on several accounts and should therefore be withdrawn in favor of an allowance of claims 2 and 3.

Respectfully submitted,


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